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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,068	06/08/2006	Peter Gamon Johns	MSX-107(PCT/US)	1635
47670	7590	05/18/2009	EXAMINER	
KELLEY DRYE & WARREN LLP 400 ATLANTIC STREET , 13TH FLOOR STAMFORD, CT 06901			JONES, DAVID B	
			ART UNIT	PAPER NUMBER
			3725	
			MAIL DATE	DELIVERY MODE
			05/18/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,068	JOHNS, PETER GAMON	
	<b>Examiner</b>	<b>Art Unit</b>	
	David B. Jones	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-36, 44-46, and 52 is/are rejected.
- 7) ☒ Claim(s) 37-43 and 47-51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/8/2009</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-36, 44-46, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capillon in view of Johns '071. Capillon teaches (Fig. 10) the claimed invention including making silver chain 10 by forming lengths of silver wire into successive chain links whose ends abut and closing the links by brazing abutting ends thereof (see column 1, line 57 to column 2, line 5). Hence Capillon teaches the claimed invention excepting the use of a laser to weld the open ends of the link and also the wire being used being made of 92.5 wt% Ag and 0.5-3 wt % Ge. Johns '071 teaches joining two pieces of silver material (such as jewelry, see column 1, line 52-54) by way of a laser and the silver material being joined having a preferred make-up of at least 92.5% silver (Ag) and between 0.4 and 7% Germanium (Ge) with rest of the material being made up of copper (Cu) and boron as a grain refiner (see column 4, lines 29-46). It would have been obvious to one of ordinary skill in the art at the time of the invention, wanting to omit the use of an additional filler material between the joined ends of the chain link, to have provided the link of Capillon from a silver material, as taught by Johns, and to have used a laser to join the ends to make for a quick joint without heating the whole of the chain. Further Johns teaches the boron with the silver material being between 2 and

Art Unit: 3725

20 parts per million falling within the claimed ranges of the claims. Regarding claim 31, the particular size set forth is well within the range of known links and would have been but an obvious choice of chain design rendering no new or unobvious result to chain. Regarding claim 33-35 and 38, the particular refinement within the ranges taught by Johns would have manifested themselves under routine experimentation of the ranges and would have been obvious to the skilled artisan, especially lacking showing of criticality. Regarding claim 44, the power of the laser used in the welding of the material taught in Johns would have been manifest under routine experimentation especially when the power stated is well within the knowledge of the skilled artisan. Regarding claim 45, the rate of closing of the links as stated in the claim would have been also an obvious choice of tool design rendering no new or unobvious result. Regarding claim 46, the step of annealing a metal before welding is notoriously old and would have been obvious to the skilled artisan so as to not embrittle the material being welded.

2. Claims 37-43 and 47-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grosz '942 teaches wire for a link having a thickness of at least .004.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Jones whose telephone number is 571 272 4518.

Art Unit: 3725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross, can be reached at 571 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David B. Jones/  
Primary Examiner  
Art Unit 3725